IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

OP.No. 22087 of 1999(D)

PETITIONER:

ANCY ABRAHAM,
CASHIER, ORIENTAL INSURANCE CO.LTD;
DIVISIONAL OFFICE,
KOTTAYAM.

BY ADV. SRI.K.RAMAKUMAR
SRI.T.RAMPRASAD UNNI

RESPONDENT:

THE SR.DIVISIONAL MANAGER,
ORIENTAL INSURANCE CO.LTD;
DIVISIONAL OFFICE,
KOTTAYAM.

BY ADV. SRI.P.N.KRISHNANKUTTY ACHAN(SR.)
SRI.K.MOHANAKANNAN.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP.NO.36387 OF 1999 IN OP.NO.22087 OF 1999-D.

DISMISSED.

28/9/2007. **Sd/- T.R.Ramachandran Nair, Judge.**

APPENDIX

Petitioner's Exhibits:-

Ext.P1: **Copy of the pay slip of the petitioner for the month of July, 1999.**

Ext.P2: **Copy of the complaint made by the petitioner before the respondent.**

Ext.P3: **Copy of the order dtd.17.8.1999 issued by the respondent.**

Ext.P4: **Copy of the Articles of charge levelled against the petitioner.**

Ext.P5: **Copy of the complaint dtd.27.3.1998 submitted by the petitioner before the respondent.**

Ext.P6: **Copy of the complaint dtd.28.7.1998 submitted by the petitioner before the respondent.**

Ext.P7: **Copy of the complaint dtd.4.8.1998 submitted by the petitioner before the respondent.**

Ext.P8: **Copy of the complaint dtd.5.8.1998 submitted by the petitioner before the Regional Manager, Oriental Insurance Co., Cochin.**

Ext.P9: **Copy of the complaint dtd.14.7.1999 submitted by the petitioner before the respondent.**

Ext.P10: **Copy of the memo dtd.3.8.1999 received by the petitioner from the respondent.**

Respondent's Exhibits:-

Ext.R1(a): **Copy of the complaint submitted by the Development Officer to the respondent dtd.28.7.1999.**

Ext.R1(b): **Copy of the communication sent by the Development Officers dtd. 29/7/1999.**

(Contd.....)

Ext.R1(c): Copy of the complaint received by the respondent from the insuring public dtd.29.7.1999.

Ext.R1(d): Copy of the representation submitted by the staff including the development officers to the respondent dtd.29/7/1999.

Ext.R1(e): Copy of the letter dtd.2.8.1999 referred in Ext.P2.

Ext.R1(f): Copy of the letter dtd.3.8.1999 from the respondent to the petitioner.

Ext.R1(g): Copy of the enquiry report submitted by the enquiry officer dtd.4.8.1999.

Ext.R1(h): Copy of the statement enclosed wih Ext.R1(g).

Rxt.R1(i): Copy of the statement enclosed with Ext.R1(g).

Ext.R1(j): Copy of the statement enclosed with Ext.R1(g).

Ext.R1(k): Copy of the representation submitted by the officers and staff dtd.4.8.1999.

Ext.R1(l): Copy of the representation submitted by the Development Officers dtd.4.8.1999.

Ext.R1(m): Copy of the letter of the respondent dtd.5.8.1999.

Ext.R1(n): Copy of the request made by the Regional Manager to the Regional Complaints Committee dtd.18.8.1999.

Ext.R1(o): Copy of the proceedings of the respondent dtd.18.8.1999.

Ext.R1(p): Copy of the respondent's letter dtd.18.8.1999 to the Regional Manager.

Ext.R1(q): Copy of the letter of respondent to Jessy Amma, dtd.17.8.1999.

(true copy)

P.A. TO JUDGE.

Kvs/-

T.R.RAMACHANDRAN NAIR, J.

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O.P.No. 22087 of 1999-D.

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Dated this the 28th day of September, 2007.

J U D G M E N T

The petitioner was working as a Cashier with the respondent. It appears that she was issued with a memo of charges alleging certain complaints against her functioning. The disciplinary authority after issuance of the memo of charges ordered that she be temporarily relieved from cash transaction until further orders.

2. The petitioner challenges the above order Ext.P3 on various grounds. The respondents have filed a detailed counter-affidavit in the matter justifying their action.

3. Ext.P3 only shows that she is temporarily relieved as Cashier. It does not cast any stigma and it cannot be said that this has resulted in any adverse civil consequences to the petitioner. The authority after the issuance of the memo of charges has only temporarily relieved her from the functions as a Cashier. Nobody can have a vested right to function in a particular post as the assignment of duty is the discretion of the management. Only requirement is that the duties assigned should be commensurate with the official status. Therefore Ext.P3 does not suffer from any legal infirmity.

4. If the proceedings against the petitioner is still pending, there

will be a direction to the respondent to complete the same and pass final orders in accordance with the principles of natural justice, within a period of six months from the date of receipt of a copy of this judgment.

The Original Petition is disposed of as above.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-